

[REPLACEMENT SECTION]

**V. SUMMARY OF CLAIMED SUBJECT MATTER**

In accordance with 37 CFR §41.37(c)(1)(v) a “concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters” is provided below. There are no means-plus-function or step-plus-function claims involved in the appeal.

**Claim 10**

The following is a “concise explanation of the subject matter” of independent claim 10. It is only a “concise explanation” and should not be construed as limiting. The entire patent application including the specification is controlling in determining the meaning of the claims. see *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005).

As described beginning on page 7, line 22 of the specification, Figure 1 shows that a tire cover 10 according to the present invention is of a generally cylindrical cup-shape for fitting over an automobile tire that has a tread surface, an annular sidewall surface and a wheel area. Tire cover 10 includes a design 16 according to the present invention disposed thereon.

As described beginning on page 8, line 13 of the specification, Figure 2 shows a first embodiment of a design 16 that preferably includes reflective portions 18 and colored portions 20 adjacent reflective portions 18. The term "reflective" relates to materials that incorporate a plurality of glass particles operative to reflect light received from a light source. Materials that are "non-reflective" include materials that do not incorporate such

glass particles, or which incorporate such glass particles in minimal quantities or concentrations.

As described beginning on page 9, line 18 of the specification, making reference to Figure 4, transfer pattern 30 includes a substrate layer 32, a first pigmented layer 34, which is formed of a reflective material as described herein, a second pigmented material layer 36, and an adhesive layer 38. First pigmented material layer 34 is formed of reflective material 18, and second pigmented material layer 36 is preferably formed of non-reflective material 20, although second pigmented material layer 36 may alternatively also be formed of a material having some degree of reflectance.

As described beginning on page 11, line 6 of the specification, second pigmented material 20 may be a non-reflective ink material of numerous colors as known in the art for screen printing, such as traditional inks, and acrylic based inks in particular, which are commonly used on vinyl and similar materials. Alternatively, second pigmented material 20 may include reflective properties similar, to reflective material 18.

As described beginning on page 12, line 3 of the specification, the production of transfer pattern 30 is shown with respect to Figures 4 - 6. In particular, as shown in Figure 5, reflective material 18 is first applied to substrate layer 32 to form first pigmented material layer 34 disposed on substrate layer 32. As shown in Figure 6, non-reflective material 20 is next applied on top of reflective first pigmented material layer 34 to form second pigmented material layer 36. As shown again with reference to Figure 4, adhesive material 37 is next applied to second pigmented material layer 36 and to the exposed portions of reflective first pigmented material layer 34 in voids 21 thereby to create an adhesive layer 38 covering only the design portions of transfer pattern 30.

As described beginning on page 12, line 24 of the specification, the application of a design by use of transfer pattern 30 is demonstrated with reference to Figures 7 - 9. First, tire surface region 14 is placed on a flat working surface to which uniform heat and pressure can be applied, thereby to present application surface 40 of tire surface region 14. Next, if present, the optional protective backing is removed, thereby to expose adhesive layer 38 having appropriately gelled adhesive 37, if necessary. As shown in Figure 8, application can occur when adhesive layer 38 of transfer pattern 30 is placed adjacent application surface 40. Thereafter, substrate layer 32 and portions of reflective first pigmented material layer 34 are removed, as shown in Figure 9, such as by manually peeling away substrate layer 32. It should be appreciated that those portions of reflective material 18 and non-reflective material 20 which are adjacent adhesive 37 in transfer pattern 30 will become adhered to working surface 40. Conversely, reflective material portions 18' which are not adjacent adhesive 37 in transfer pattern 30 will remain disposed on substrate layer 32 when that layer is peeled away. Accordingly, only the desired pattern of reflective material 18 and non-reflective material 20 becomes adhered to working surface 40 by the action of adhesive 37. A tire cover 10 accordingly results that has design 16 bonded thereto, as shown in Figures 1 and 2.

As described beginning on page 14, line 10 of the specification, a second embodiment of a transfer pattern according to the present invention is described with reference to Figures 10 - 13. As shown in Figure 10, transfer pattern 230 is similar to pattern 30 shown in Figure 4, except that two types of adhesive, 237 and 237' respectively, are used. Additionally, a release layer 250 is provided between reflective first pigmented material layer 234 and second pigmented material layer 236, thereby to reduce or prevent

adherence of reflective first pigmented material layer 234 to second pigmented material layer 236.

As described beginning on page 15, line 1 of the specification, transfer pattern 230 may be adhered to a tire cover surface region 214 in the manner shown with respect to Figures 12 and 13. As shown with respect to Figure 12, transfer pattern 230 is inverted and adhesives 237 and 237' are affixed to tire cover surface region 214 in the manner described with reference to transfer pattern 30 in Figures 7 - 9. Substrate layer 232, a portion of reflective layer 234, and release layer 250 are then peeled away, as shown in Figure 13, leaving a design having a portion of reflective layer 234 adhered to adhesive 237 and having second pigmented material layer 236 adhered to adhesive 237'.

As described beginning on page 15, line 21 of the specification, a third embodiment of a transfer pattern according to the present invention is demonstrated with respect to Figures 14 - 19. With reference to page 16, lines 17-25 of the specification, after the transfer pattern 130 is placed adjacent to the application surface 140, the substrate layer 132 and portions of the reflective layer 134 are removed, as shown in Figure 19.